

PAPERS
ORIGINALLY FILED

UNITED STATES PATENT AND TRADEMARK OFFICE

MAR 25 2002

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER

FILING/RECEIPT DATE

FIRST NAMED APPLICANT

ATTORNEY DOCKET NUMBER

09/874,389

06/04/2001

Hermann Bujard

BBI-009C3CN2

000959
LAHIVE & COCKFIELD
28 STATE STREET
BOSTON, MA 02109

CONFIRMATION NO. 5305

FORMALITIES LETTER



OC000000007331127

Date Mailed: 01/18/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- o The statutory basic filing fee is missing.
Applicant must submit \$ 710 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- o To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- o **The balance due by applicant is \$ 840.**

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

03/27/2002 MAHME1 00000055 09874389

01 FC:101
02 FC:105740.00 DP
130.00 DP



THE UNITED STATES PATENT AND TRADEMARK OFFICE

COPY OF PAPER
ORIGINALLY FILED

In re the application of: Hermann Bujard and
Manfred Gossen

Serial No.: 09/874,389

Filed: June 4, 2001

For: TRANSGENIC ORGANISMS HAVING
TETRACYCLINE-REGULATED TRANSCRIPTIONAL
REGULATORY SYSTEMS (As Amended)

Attorney Docket No.: BBI-009C3CN2

Group Art Unit: 1638

Examiner:

Office of Initial Patent Examination
Customer Service Center
Commissioner for Patents
Washington, D.C. 20231

REQUEST FOR CORRECTION OF FILING RECEIPT

Dear Sir:

The Filing Receipt for the above-identified patent application incorrectly lists two of the the Assignees' names as "BASF Aktiengesellscgaft" instead of "BASF **Aktiengesellschaft**" and "Knoll Aktiengesellchaft" instead of "Knoll **Aktiengesellschaft**."

A copy of the Filing Receipt for the above application with the changes noted thereon is submitted herewith for your reference.

Certificate of First Class Mailing (37 CFR 1.8(a))

I hereby certify that this correspondence is deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Box Missing Parts, Washington, D.C. 20231 on:

March 15, 2002

Date

Giulio A. DeConti, Jr., Esq., Reg. No. 31,503

Respectfully submitted,

LAHIVE & COCKFIELD, LLP

Giulio A. DeConti, Jr., Esq.

Reg. No. 31,503

Attorney for Applicants



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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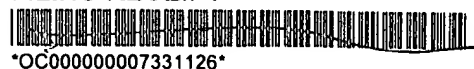
MAR 25 2002

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/874,389	01/18/2002	1638	0.00	BBI-009C3CN2	15	16	3

CONFIRMATION NO. 5305

000959
LAHIVE & COCKFIELD
28 STATE STREET
BOSTON, MA 02109

FILING RECEIPT



OC000000007331126

Date Mailed: 01/18/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Hermann Bujard, Heidelberg, GERMANY;
Manfred Gossen, El Cerrito, CA;

Assignment For Published Patent Application

BASF Aktiengesellschaft; *AKTIENGESellschaft*
Knoll Aktiengesellschaft; *AKTIENGESellschaft*
BASF Bioresearch Corporation;

Domestic Priority data as claimed by applicant

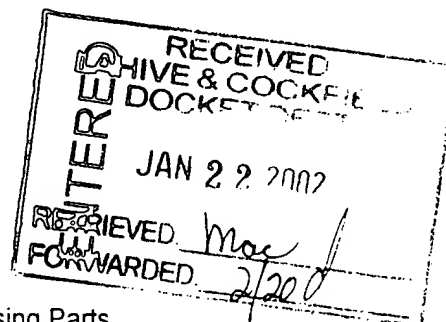
THIS APPLICATION IS A CON OF 09/161,902 09/28/1998 PAT 6,242,667
WHICH IS A CON OF 08/487,472 06/07/1995 PAT 5,912,411
WHICH IS A CIP OF 08/383,754 02/03/1995 PAT 5,789,156
WHICH IS A CIP OF 08/275,876 07/15/1994 PAT 5,654,168
WHICH IS A CIP OF 08/270,637 07/01/1994 ABN
AND A CIP OF 08/260,452 06/14/1994 PAT 5,650,298
WHICH IS A CIP OF 08/076,327 06/14/1993 ABN
AND A CIP OF 08/076,726 06/14/1993 PAT 5,464,758

Foreign Applications

If Required, Foreign Filing License Granted 01/17/2002

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No



Early Publication Request: ☒COPY OF PAPERS
ORIGINALLY FILED

Title

Transgenic organisms having tetracycline-regulated transcriptional regulatory systems

Preliminary Class

800

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

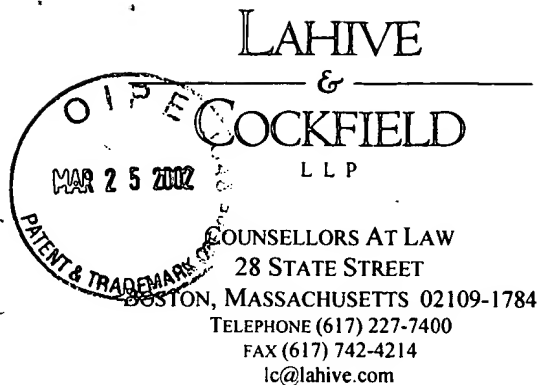
The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



JOHN A. LAHIVE, JR. (1928-1997)
THOMAS V. SMURZYNSKI
RALPH A. LOREN
GIULIO A. DeCONTI, JR.
ANN LAMPORT HAMMITTE
ELIZABETH A. HANLEY
AMY BAKER MANDRAGOURAS
ANTHONY A. LAURENTANO
KEVIN J. CANNING
JANE E. REMILLARD
DeANN FORAN SMITH
PETER C. LAURO
JEANNE M. DIGIORGIO
DEBRA J. MILASINCIC, Ph.D.
DAVID J. RIKKERS
DAVID R. BURNS
JOHN S. CURRAN
SEAN D. DETWEILER

CYNTHIA L. K... Ph.D.
MEGAN E. WIL... Ph.D.
RICHANAND
MICHAEL PHILLIPPS *
LISA M. DIROCCO
HATHAWAY P. RUSSELL **
MARIA LACCOTRIPE ZACHARAKIS, Ph.D.
PETER A. DIMATTIA
VINCENT P. LOCCISANO
MERIDETH C. ARNOLD

SENIOR COUNSEL
JAMES E. COCKFIELD

OF COUNSEL
JEREMIAH LYNCH
WILLIAM A. SCOFIELD, JR.
SIBLEY P. REPPERT

PATENT AGENTS
THEODORE R. WEST
SHAYNE Y. HUFF, Ph.D.
DANIEL B. KO

TECHNICAL SPECIALISTS
CYNTHIA M. SOROOS
PETER W. DINI, Ph.D.
EUIHOON LEE
JENNIFER K. ROSENFELD
ALLAN TAMESHTIT, Ph.D.
CATHERINE E. McPHERSON
ERIC F. WAGNER, Ph.D.
SHAHID HASAN, Ph.D.
JACOB G. WEINTRAUB
JONATHAN M. SPARKS, Ph.D.
CRISTIN E. HOWLEY, Ph.D.

* Admitted in NY only
** Admitted in TX only

March 15, 2002

Commissioner for Patents
Box Missing Parts
Washington, D.C. 20231

COPY OF PAPERS
ORIGINALLY FILED

Re: U.S. Application Serial No. 09/874,389
Title: Transgenic Organisms Having Tetracycline-Regulated
Transcriptional Regulatory Systems (As Amended)
Filed: June 4, 2001
Inventors: Hermann Bujard and Manfred Gossen
Attorney's Docket No. BBI-009C3CN2

Dear Sir:

I enclose herewith for filing in the above-identified application the following:

1. Response to Notice to File Missing Parts of NonProvisional Application (2 pages, in duplicate);
2. Copy of Notice to File Missing Parts of NonProvisional Application (1 page);
3. Request for Correction of Filing Receipt (1 page);
4. Copy of Filing Receipt with changes noted thereon (2 pages)
5. Check for \$870.00 (filing fee and surcharge); and
6. A Return Receipt Postcard.

Please charge any necessary fees to our Deposit Account No. 12-0080. The undersigned requests any extensions of time necessary to respond. A duplicate of this sheet is enclosed.

Certificate of First Class Mailing (37 CFR 1.8(a))

I hereby certify that this correspondence is deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Box Missing Parts, Washington, D.C. 20231 on:

March 15, 2002

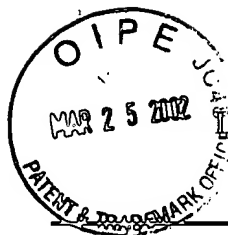
Date

Giulio A. DeConti, Jr., Esq., Reg. No. 31,503

Respectfully submitted,

LAHIVE & COCKFIELD, LLP

Giulio A. DeConti, Jr., Esq.
Reg. No. 31,503
Attorney for Applicants



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Hermann Bujard and
Manfred Gossen

Group Art Unit: 1638

Examiner:

Serial No.: 09/874,389

Filed: June 4, 2001

For: TRANSGENIC ORGANISMS HAVING
TETRACYCLINE-REGULATED TRANSCRIPTIONAL
REGULATORY SYSTEMS (As Amended)

Attorney Docket No.: BBI-009C3CN2

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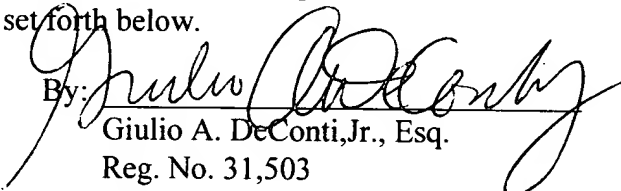
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March 15, 2002

Date of Signature and of Mail Deposit

By:


Giulio A. DeConti, Jr., Esq.
Reg. No. 31,503
Attorney for Applicants

RESPONSE TO NOTICE TO FILE MISSING PARTS
OF NONPROVISIONAL APPLICATION

Dear Sir:

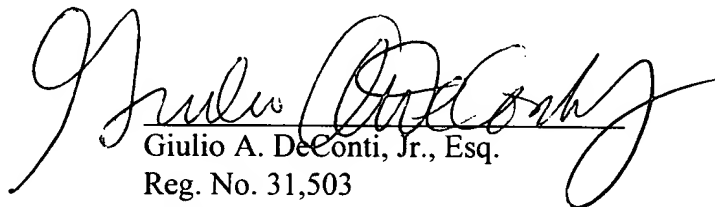
Responsive to the Notice to File Missing Parts of NonProvisional Application dated January 18, 2002, Applicants' attorney submits herewith a check in the amount of \$870.00 to cover the total owed by Applicants, including \$740.00 filing fee and \$130.00 surcharge, based on large entity status. A copy of the Notice to File Missing Parts of NonProvisional Application is also enclosed.

The Commissioner is hereby authorized to charge payment of any fees under 37 C.F.R. 1.16 and 1.17 during the pendency of this application or credit any overpayment to Deposit Account No. 12-0080.

Please charge any underpayments or credit any overpayments associated with this communication to our Deposit Account No. 12-0080. A duplicate of this letter is enclosed.

Respectfully submitted,

LAHIVE & COCKFIELD, LLP


Giulio A. DeConti, Jr., Esq.
Reg. No. 31,503
Attorney for Applicants

28 State Street
Boston, MA 02109
(617) 227-7400

Date: March 15, 2002